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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J. SADASHIVA

WRIT PETITION No. 20462/1992

BETWEEN:

Sri Chandrappa, s/o Basappa  
Hugar, major, Occ: Agriculturist,  
r/o Kalagi, Gulbarga Dist., .. Petitioner

(By M/s.Hegde Associates, Advs.,)

AND:

1. State of Karnataka rep  
by its Secretary for Land  
Reforms, Vidhana Soudha,  
Vidhana Veedhi, Bangalore-1.
2. The Land Tribunal, Chittapur  
Tq., Dist. Gulbarga, by its  
Chairman.
3. The Tahsildar, Chittapur Tq.,  
Dist. Gulbarga. .. Respondents

(By Sri K.H.Jagadish, GA)

This C.P. filed u/s 151 of CPC r/w u/s 17 of the KLR Act r/w Articles 226 and 227 of the Constitution of India, that for the reasons stated in the accompanying affidavit that this Hon'ble Court be pleased to consider this application and the Appeal No.LRA.1463/86 filed before the Land Reforms Appellate Authority, Gulbarga, as a Writ Petition, in view of amend -ment of Section 17 of the Land Reforms Act.


This Writ Petition coming on for hearing this day, the Court made the following :-

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## O R D E R

The order dated May 23, 1984 passed by the Land Tribunal, Chittapur, is called in question in this petition by the petitioner.

2. The petitioner states that Sy.No.303 and 305 measuring 23 acres 19 guntas and 7 acres 11 guntas respectively situated in Kalagi Village were endowed to Sri.Hanumandev Temple of which he has been <sup>an archak</sup> archak. He further states that he was also cultivating the aforesaid lands in the capacity of archak and therefore he filed Form No.1 under the provisions of the Karnataka Certain Inams Abolition Act, 1977 before the Land Tribunal to register him as an occupant. The Land Tribunal by order dated May 23, 1984 rejected the application of the petitioner inter alia holding that he was not cultivating the land but one Mallappa Nashi was cultivating the land. It also found that Mallappa Nashi did not file Form No.1 and therefore directed the land to be resumed to the State Government.



3. Aggrieved by the said order, the petitioner filed a petition before this Court in W.P.No. 10175/1984. The said petition was transferred to the District Land Reforms Appellate Authority, Gulbarga, for hearing and disposal as a deemed appeal. During the pendency of the Appeal, the Karnataka Land Reforms Act again came to be amended and section 118A was deleted and consequently appellate authorities are dissolved. The petitioner filed a Civil Application before this Court and the same came to be registered as this petition. The order dated May 23, 1984 which was challenged in W.P.No.10175/1984 is again the subject matter of this petition.

4. The impugned order is unsustainable in law as it is a very cryptic order and ~~it~~ contains no reasons. There was no material for the Tribunal to hold that Mallappa Nashi is an occupant without there being any evidence. The evidence of the petitioner was not considered. The order is made only on the basis of the entries in the revenue records which, at the best, will have a presumptive value and not a conclusive proof.

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5. In the result, this petition is allowed. Rule made absolute. The order dated May 23, 1984 passed by the Land Tribunal in No.LRY. FROA.147/83-84 as per Annexure-B in W.P.No. 10175/1984 is hereby quashed. The matter is remitted to the Land Tribunal for fresh disposal in accordance with law with notice to all the parties interested.

Sd/-  
JUDGE

